

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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*In re application of Orthogen International GmbH,*

Case No.: 1:24-mc-00504

*Petitioner,*

**NOTICE OF CROSS-  
MOTION**

*for an order pursuant to 28 U.S.C. § 1782 to conduct  
discovery for use in a foreign proceeding.*

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**PLEASE TAKE NOTICE** that upon the annexed Memorandum of Law dated August 13, 2025, Dr. Judith Capla, and Dr. Tomas Capla (together, the “Caplas”), by and through the undersigned counsel, will move this Court, the Honorable Magistrate Sanket J. Bulsara presiding, at the courthouse located in 500 Pearl St., New York, NY 10007-1312, for an order granting the Caplas’ Cross Motion to Quash (the “Motion to Quash”) the subpoena duces tecum (the “Subpoenas”) issued by Petitioner Orthogen International GmbH (the “Petitioner”, or “Orthogen”), pursuant to Federal Rule of Civil Procedure (“Fed.R.Civ.P.”) 27 and 45, and for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to CPLR § 2214(b), answering papers, if any, must be served upon the undersigned at least seven days prior to the return date of this motion, and reply papers, if any, will be served at least one day prior to the return date of this motion.

Dated: New York, New York  
August 13, 2025

Respectfully Submitted,

LEVIN EPSTEIN & ASSOCIATES, P.C.

/s Joshua Levin-Epstein, Esq.

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Cc: All parties via NYSECF